

CYRULI SHANKS

CYRULI SHANKS & ZIZMOR LLP

Jeffrey C. Ruderman
email: jruderman@cszlaw.com
Admitted NY, NJ and CT

August 6, 2025

VIA ECF

Honorable Sarah L. Cave, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 18A
New York, NY 10007

Re: Ruiz v. Bigold Enterprises, LLC
Civil Action No.: 1:25-cv-00838 (KPF)(SLC)

The parties' request at ECF No. 18 is **GRANTED**. The settlement conference scheduled for August 13, 2025 at 11:00 a.m. ET (ECF No. 17) is **ADJOURNED** to **September 17, 2025 at 2:00 pm ET** and will take place by videoconference hosted by the Court on the Webex platform. The Court **AMENDS** ECF No. 17 as follows:

On or before **September 11, 2025**, the parties shall email their written submissions (ECF No. 17 at 4, ¶ 4) and Attendance Acknowledgment Form (Id. at 7) to Chambers at Cave_NYSDChambers@nysd.uscourts.gov **and the opposing party**. Following receipt of the Attendance Acknowledgment Form, the Court will provide the link for the settlement conference.

All remaining orders and deadlines contained in ECF No. 17 remain in effect.

The Clerk of Court is respectfully requested to close ECF No. 18.

SO ORDERED. August 7, 2025


SARAH L. CAVE
United States Magistrate Judge

Dear Honorable Judge Cave:

This firm represents defendant, Bigold Enterprises, LLC (“Defendant”), in this action. We write pursuant to Court’s Settlement Conference Scheduling Order dated July 2, 2025 (ECF. 17) (the “Order”) and paragraph 9 of this Court’s Standing Order Applicable to Settlement Conferences Before Magistrate Judge Cave, respectfully seeking, with consent of Plaintiff, Carlos Ruiz (“Plaintiff”), an adjournment of the settlement conference currently scheduled for August 13, 2025 as it would permit discovery or exchange of information that would make the conference more fruitful. No prior request for an adjournment has been made herein.

Defendant operates a costume store at 104 4th Avenue in Manhattan (the “Premises”). This action concerns Plaintiff’s complaint that he is disabled and requires the use of a wheelchair and that the Premises is not compliant with the American Disabilities Act (“ADA”) and analogous provisions of New York State and City law in that it does not provide handicap access.

The parties have exchanged settlement demands and responses in accordance with the Order. If the conference is not adjourned the parties are required to submit their written pre-conference submissions today.

Putting aside Defendant’s arguments that it has no liability for the claims alleged, there are a number of other factors that must be considered by both parties and the Court in assessing the parties’ respective positions and giving all the greatest chance of success in the conference. These factors include, but are not limited to, (a) the feasibility to alter the

ATTORNEYS AT LAW

420 LEXINGTON AVENUE, NEW YORK, NEW YORK 10170

TEL: (212) 661-6800 • FAX: (212) 661-5350

CYRULI SHANKS

CYRULI SHANKS & ZIZMOR LLP

Premises as sought by Plaintiff, (b) the nature, cost and obligation of remediating each of the public entrances; (c) Defendant's overall financial resources; (d) the effect remediating the public entrances will have on Defendant's resources; and (e) its impact upon Defendant and the property's operations.

Defendant has engaged professionals to assist in the production of information that would enable the parties and the Court to address these factors. Unfortunately, the professionals have advised that they will not have the necessary information in time for the conference. As such, and in order to permit discovery or exchange of information that would make the conference more fruitful, Defendant, with the consent of Plaintiff, respectfully requests that the conference scheduled for August 13, 2025 be adjourned. The parties have consulted and are all available on September 10, 17 or 18. As such, subject to the availability of the Court, Defendant respectfully requests the conference to be adjourned to one of those dates.

We thank the Court for its consideration in this regard.

Respectfully yours,

Jeffrey C. Ruderman
Jeffrey C. Ruderman

cc: Plaintiff's counsel via ECF and email

ATTORNEYS AT LAW

420 LEXINGTON AVENUE, NEW YORK, NEW YORK 10170

TEL: (212) 661-6800 • FAX: (212) 661-5350